

REMARKS/ARGUMENTS

The Status of the Claims:

Claims 1-57 were pending in the present application before this amendment as set forth above. Among them, claims 42-49 were under examination, and claims 1-41 and 50-57 were withdrawn as being drawn to non-elected subject matter. By this Amendment, claims 44-47 are amended, claims 42 and 43 are cancelled, and new claims 58-64 are added.

The June 27, 2007 Office Action:

In the June 27, 2007 Office Action, claim 44 was objected to because of an informality. Claim 45 was rejected under 35 U.S.C. §112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 42 and 43 were rejected under 35 U.S.C. §102(b) as being anticipated by US Pat. No. 4,391,151 to Nelson et al. (hereinafter "Nelson"), and claims 42, 43, and 47-49 were rejected under 35 U.S.C. §102(b) as being anticipated by US Pat. No. 6,168,914 to Campbell et al. (hereinafter "Campbell"). Claim 46 was rejected under 35 U.S.C. §103(a) as being unpatentable over Nelson in view of U.S. Pat. No. 6,506,345 to Lee et al. (hereinafter "Lee").

However, the Primary Examiner indicated that claim 44 contains allowable subject matter and would be allowable if "rewritten in independent form including all of the limitations of the base claim and any intervening claims." Also, the Primary Examiner indicated that claim 45 would be allowable "if rewritten to overcome the rejection(s) under 35 U.S.C. §112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims."

Applicants appreciate the Primary Examiner's careful review of the application and indication of allowability of claims 44 and 45.

In response, as set forth above, claim 44 has been rewritten, according to the Primary Examiner's suggestions, in the independent form that includes all of the limitation of the base claim, now canceled claim 42, and of the intervening claim, now canceled claim 43, which makes amended claim 44 allowable, as indicated by the Primary Examiner in the June 27, 2007 Office Action. Claim 45 has been rewritten, according to the Primary Examiner's suggestions, in the independent form that includes all of the limitation of the base claim, now canceled claim

42, which makes amended claim 45 allowable, as indicated by the Primary Examiner. Furthermore, claim 45 has been amended to correct the informalities by deleting the phrase of "for allowing seed biological cells to perfuse only outside the confined region in the chamber", which makes the 35 U.S.C. §112 rejection overcome.

Additionally, claims 46 and 47 have been amended to be dependent from now amended allowable claim 44, and thus should be allowable as well. Moreover, new claims 58-64 have been introduced to conform claims to the embodiments of the present invention and disclosed in the application and in claims 14-16, and 42-49 as originally filed. Further support for the amendments set forth above can be found in the disclosure as originally filed, and particularly in Fig. 2A1 of the drawings.

Without acquiescing in the propriety of the statements made therein and to facilitate the prosecution of the current application, claims 42 and 43 have been canceled, which makes the Primary Examiner's rejections under 35 U.S.C. §102(b) to claims 42 and 43 moot.

Applicants submit that no new matter is added.

It is now believed that the application is in condition for allowance and such allowance is respectfully requested.

The following remarks herein are considered to be responsive thereto.

Allowable Subject Matter

In response, as set forth above, according to the Primary Examiner's suggestions, claim 44 has been rewritten in the independent form that includes all of the limitation of the base claim, now canceled claim 42, and of the intervening claim, now canceled claim 43, and claim 45 has been rewritten in the independent form that includes all of the limitation of the base claim, now canceled claim 42, which makes amended claims 44 and 45 allowable, as indicated by the Primary Examiner.

35 U.S.C. §112 Rejections

In the June 27, 2007 Office Action, claim 45 was rejected under 35 U.S.C. §112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, because it was considered by the Primary Examiner as not clear whether or not the "seed biological cells" in claim 45, line 4 were the same as the

“biological cells” in claim 42, line 14.

In response, as set forth above, claim 45 has been amended to correct the informalities by deleting the phrase of “for allowing seed biological cells to perfuse only outside the confined region in the chamber”, which makes the 35 U.S.C. §112 rejection overcome.

35 U.S.C. §102 Rejections

In the June 27, 2007 Office Action, claims 42 and 43 were rejected under 35 U.S.C. §102(b) as being anticipated by Nelson. Claims 42, 43, and 47-49 were rejected under 35 U.S.C. §102(b) as being anticipated by Campbell.

In response, as set forth above, claim 42 and 43 have been canceled without prejudice, which makes the 35 U.S.C. §102(b) rejections to claims 42 and 43 moot. Claim 47 has been amended to be dependent from now allowable amended claim 44 as indicated by the Primary Examiner, and claims 48 and 49 depend from amended claim 47. Thus claims 47-49 should also be allowable at least for this reason.

35 U.S.C. §103 Rejections

In the June 27, 2007 Office Action, claim 46 was rejected under 35 U.S.C. §103(a) as being unpatentable over Nelson in view of Lee.

In response, as set forth above, claim 46 has been amended to be dependent from now allowable amended claim 44 and therefore should be patentable over Nelson and Lee.

New claims 58-64:

New claims 58-64 have been introduced to conform claims to the embodiments of the present invention and disclosed in the application and in claims 14-16, and 42-49 as originally filed, and depends from now allowable amended claim 45. Thus they should also be allowable at least for this reason

Any amendments to the claims not specifically referred to herein as being included for the purpose of distinguishing the claims from cited references are included for the purpose of clarification, consistence and/or grammatical correction only.

It is now believed that the application is in condition for allowance and such allowance is respectfully requested.


CONCLUSION

Applicants respectfully submit that the foregoing Amendment and Response place this application in condition for allowance. If the Examiner believes that there are any issues that can be resolved by a telephone conference, or that there are any informalities that can be corrected by an Examiner's amendment, please call the undersigned at 404.495.3678.

Respectfully submitted,

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